

Message

From: Elsen, Henry [Elsen.Henry@epa.gov]
Sent: 12/12/2018 5:06:49 PM
To: Worthman, Gary [Worthman.Gary@epa.gov]
CC: Thompson, Christopher [Thompson.Christopher@epa.gov]; Madigan, Andrea [Madigan.Andrea@epa.gov]; Lensink, Andy [Lensink.Andy@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Ostendorf, Jody [ostendorf.jody@epa.gov]; Smidinger, Betsy [Smidinger.Betsy@epa.gov]; Vranka, Joe [vranka.joe@epa.gov]
Subject: RE: Confirmation Hearing Preparation- Materials Due

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Gary:

Here is the latest version that I have of Region 8's writeup for expected questions from Senator Daines from Montana. I'm not sure if this is the latest version – the RA was going to review this and I suspect he made some changes.

Background (brief)—

Silver Bow Creek Butte/Area Superfund site: In 1982, EPA proposed the Silver Bow Creek site to be added to the National Priority List and it was listed as a Superfund Site in 1983. The Butte Area was added to Silver Bow Creek site in 1987. The Silver Bow Creek/Butte Area site is in Butte, Montana and includes 26 miles of stream and streamside habitat. Since the late 1800s, mining wastes have been dumped into streams and wetlands near mining operations. These activities contaminated soil, groundwater and surface water with heavy metals. From 1988 to 2005, EPA completed several removal actions in Butte to clean up areas around former smelter sites, mine waste dumps, railroad beds, stream banks and channels, and residential yards to address immediate human health and environmental risks. Other areas of the site outside of Butte have remedial action being implemented. The 1994 Berkeley Pit Record of Decision and the 2006 Butte Site Record of Decision is currently being implemented in Butte. EPA continues to work with the community, project stakeholders, and responsible parties to oversee the ongoing cleanup work.

Anaconda Smelter Superfund site: The 300-square-mile Anaconda Co. Smelter site is located at the southern end of the Deer Lodge Valley in Montana, at and near the location of the former Anaconda Copper Mining Company ore processing facilities. Operations at the Anaconda Smelter ceased in 1980 and the smelter facilities were dismantled soon thereafter. Over a century of milling and smelting operations, high concentrations of arsenic, lead, copper, cadmium, and zinc were produced. These wastes contaminated soil, groundwater and surface water with hazardous chemicals. In September 1983, EPA placed the Anaconda Co. Smelter site on the Superfund program's National Priorities List to address the contamination. EPA is the lead agency with Atlantic Richfield Co. conducting site activities through administrative orders. Cleanup is complete at several areas within the site. At these areas, operation and maintenance activities are ongoing. Cleanup is underway at the remaining areas. Remedies that have been completed are currently protective of human health and the environment. Where remedies are not complete, access is controlled to prevent human exposure to waste.

Key Points — what are key points the Administrator needs to know on the issue (contentious issue, upcoming actions, impacted parties, is this a parochial issue, history with specific Member, etc).

- Senator Daines sent a letter to then Administrator Pruitt in December 2017 urging him to include Butte and Anaconda on the Superfund priority list.

- Senator Tester sent a letter to Acting Administrator Wheeler in October 2018 requesting EPA's continued collaboration and work with ATSDR at the Butte and Anaconda Superfund sites. Region 8 responded to both of those inquiries.
- Senator Daines visited the Anaconda and Butte sites with Acting Administrator Wheeler on September 7, 2018.

Talking Points—

- EPA recognizes the importance to the communities of Anaconda and Butte, Montana, of getting consent decrees finalized in 2019 in order to complete remedy construction by 2024 (for Butte) and 2025 (for Anaconda) and begin the process of getting the sites deleted from the National Priorities List.
- EPA appreciates the efforts and involvement from elected representatives and the local communities to provide input into the process to help ensure that final remedies for Anaconda and Butte are protective and meet the interests of the local communities to the greatest extent possible.
- In the interest of risk evaluation and effective risk communication, EPA is actively engaged in public health studies in both communities along with the Agency for Toxic Substances and Disease Registry (ATSDR), the Montana Department of Health and Human Services, Butte-Silver Bow City-County Health Department, Anaconda Deer Lodge County Health Department, local health professionals, and community members.
- In Butte, EPA is working with Montana Resources and the Atlantic Richfield Company to implement a pilot project to begin pumping and treating water from the Berkeley Pit with discharge of treated water to Silver Bow Creek.
- EPA tested Anaconda schools for lead and arsenic to ensure that students and teachers are not exposed to contamination from historic smelter operation.
- ATSDR collected blood and urine samples from over 300 Anaconda community members, with analysis paid for by EPA, to conduct an exposure investigation and provide results to the community in 2019.
- EPA collected and is studying vegetables grown in Anaconda to ensure that residents growing their own food are not exposed to contaminants from historic mining.

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From: Madigan, Andrea
Sent: Tuesday, December 11, 2018 12:16 PM
To: Elsen, Henry <Elsen.Henry@epa.gov>; Lensink, Andy <Lensink.Andy@epa.gov>
Cc: Thompson, Christopher <Thompson.Christopher@epa.gov>
Subject: FW: Confirmation Hearing Preparation- Materials Due

Can you put this together for Anaconda and Butte – I expect you can pull from materials we already have.

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From: Worthman, Gary

Sent: Tuesday, December 11, 2018 9:37 AM

To: Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Briggs-Steuteville, Sheila <Briggs-Steuteville.Sheila@epa.gov>; Clay, David <Clay.David@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Hoefer, David <Hoefer.David@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Johnson, MaryC <Johnson.MaryC@epa.gov>; Kyte, Larry <kyte.larry@epa.gov>; Lieber, Thomas <Lieber.Thomas@epa.gov>; Madigan, Andrea <Madigan.Andrea@epa.gov>; Parent, Suzanne <Parent.Suzanne@epa.gov>; Peycke, Mark <Peycke.Mark@epa.gov>; Zucker, Audrey <Zucker.Audrey@epa.gov>; Maldonado, Lewis <Maldonado.Lewis@epa.gov>; nishitani, brian <nishitani.brian@epa.gov>
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Subject: Confirmation Hearing Preparation- Materials Due

RC/BCs

Not sure if the CERCLA program folks have alerted you, but regions have been asked (I think an email went out late last Tuesday from OCIR) to provide one pagers on a number of cases for an upcoming confirmation hearing for Acting Administrator Wheeler. Below is the format and names of the cases where briefing materials are being requested.

My understanding of the process is that regions have been asked to have the case materials to OLEM by Thursday (Dec 13th). If you have drafts of the case writeups you plan to submit please send them to me ASAP for a quick review.

Sorry for the short turn around time. If you have questions please contact me.

Gary

HEARING TOPIC - CASES

Issue:

Describe the specific issue in 1-3 sentences.

Background:

- In a concise manner, describe the pertinent historical background information.

Key Points:

- What does the Administrator need to know about this issue?
- Are there political sensitivities?
- Is the Agency planning any major actions on the specific topic?
- What, if any, are the risks with this issue?

Talking Points:

- This must be limited to 2-3 points.
- Each talking point should reflect the information most salient to get across at a hearing.
- Each talking point should be no more than 1 sentence.

- Do not use generic language.
- The Administrator must be able to read the talking points verbatim, if needed.

FORMAT:

Times New Roman

Font size 12

1" left and right margins; .7" top and bottom

Left justified.

Bullet style used in this guidance.

Page number bottom center

Cases:

R1: Senator Sheldon Whitehouse

- Centerdale Manor

R2: Senator Cory Booker

- Passaic River
- Berry's Creek Study Area
- American Cyanamid
- Lower Hackensack

R2: Senator Kirsten Gillibrand

- Hudson River PCBs
- Saint Gobain Performance Plastics/Hoosick Falls

R3: Senator Tom Carper

- Delaware, Sand & Gravel Landfill; Hockessin Groundwater Site; Newark South Ground Water Plume Site

R3: Senator Shelley Moore Capito

- Minden, WV
- Flint/BSAF site in Huntington, WV (RCRA site)

R4: Senator Roger Wicker

- Grenada Manufacturing, LLC (aka Rockwell International Wheel & Trim/Rockwell Grenada)
- MS Phosphates Corp.
- Pearl River Flood Control Project

R4: Senator Richard Shelby

- 35th AVENUE SUPERFUND SITE

Senator Tammy Duckworth

- Enforcement of Methane Emissions/Chicago Manganese

R6: Senator James Inhofe

- Tar Creek
- Henryetta Iron and Metals Removal

R6: Senator John Boozman

- Vertac
- Brown Tree Care site, Belle Vista

R7: Senator Joni Ernst

- Des Moines TCE

R8: Senator Steve Daines, Senator John Tester

- Silver Bow Creek Butte/Area Superfund site and the Anaconda Smelter

R10: Senator Jeff Merkley

- Portland Harbor